

EXHIBIT B

NO. 2023PC02901

MACKENZIE HILL,

Plaintiff,

v.

UNIFI AVIATION, LLC and
THE ESTATE OF DAVID RENNER,*Defendants.*§
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IN THE PROBATE COURT

NO. 1

BEXAR COUNTY, TEXAS

DEFENDANT UNIFI AVIATION, LLC'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

Unifi Aviation, LLC ("Unifi") files its Original Answer to Plaintiff's Petition (the "Petition") and would respectfully show the Court as follows:

I. GENERAL DENIAL

1. Pursuant to Texas Rule of Civil Procedure 92, Unifi denies each and every allegation contained in the Petition and demands strict proof thereof as required by Texas law.

II. AFFIRMATIVE DEFENSES

2. Plaintiff fails to state a claim upon which relief may be granted.

3. Plaintiff's claims are preempted in whole or in part by federal law, including the Airline Deregulation Act and other applicable federal statutes and regulations.

4. The alleged damages claimed by Plaintiff were solely and/or proximately caused by the acts, carelessness, omissions, and/or negligence of other persons or entities for whom Unifi neither had nor has any control or responsibility.

5. The alleged damages claimed by Plaintiff were solely and/or proximately caused by one or more new and independent, intervening, and/or superseding acts or omissions of other parties or persons for which Unifi is not liable or responsible.

6. Plaintiff lacks standing to assert claims under the Deceptive Trade Practices Act.

7. Plaintiff's claims for damages based on mental anguish are not recoverable to the extent they relate to Plaintiff's Deceptive Trade Practices Act causes of action because Unifi's alleged conduct, if any, was not intentional or knowing.

8. Plaintiff failed to provide any required notice of her Deceptive Trade Practices Act alleged claims and causes of action.

9. Any award of exemplary damages in this case would violate Unifi's right to due process guaranteed by the Due Process Clause of the 14th Amendment to the United States Constitution and Article 1, Section 19 of the Texas Constitution.

10. An award of exemplary damages in this case would violate the Equal Protection clauses of both the United States and Texas Constitutions in that an award of such damages is left to the unfettered discretion of the jury, and that under Texas law there are not adequate safeguards against an arbitrary and unreasonable imposition of such civil penalties.

11. Unifi asserts the burden of proof, unanimity, and all other provisions, conditions and limitations on exemplary damages imposed by Chapter 41 of the Texas Civil Practice & Remedies Code, including the limitations set out in § 41.008.

III. PRAYER

WHEREFORE, Unifi respectfully prays that upon final hearing hereof, Plaintiff take nothing, and that the Court allow Unifi to recover its costs, and all such other and further relief, both general and special, at law or in equity, to which Unifi may show itself to be justly entitled.

Respectfully submitted,

/s/ Stuart B. Brown, Jr.

Stuart B. Brown, Jr.

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**ATTORNEYS FOR DEFENDANT UNIFI
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CERTIFICATE OF SERVICE

This is to certify that on August 8, 2023, a true and correct copy of the foregoing document was served via electronic service on all counsel of record.

/s/ Stuart B. Brown, Jr.

Stuart B. Brown, Jr.

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Stephen Russo on behalf of Stuart Brown

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Filing Code Description: ANSWER/RESPONSE

Filing Description: Defendant Unifi Aviation, LLC's Original Answer

Status as of 8/9/2023 9:53 AM CST

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